

Introduction

Background

According to the 6th amendment to the US Constitution, those accused in criminal prosecutions, "...shall enjoy the right to have assistance of counsel for his defense." This right was affirmed for states in the landmark case of Gideon vs. Wainwright in a Supreme Court opinion handed down in 1963. This court opinion established the right to counsel for those people who can not afford their own legal representation. The Maricopa County's Public Defender's Office (PD) was established in 1965, as a result of the Supreme Court decision.

The purpose of PD is to provide indigent individuals of the County with an effective option for legal representation. PD is the first office assigned a case, based on a financial determination process administered by the courts. Defendants who can not be represented by PD, due to resource limitations or conflicts of interest, are diverted to the Office of Legal Defender (OLD), Office of Contract Counsel (OCC), and Office of Legal Advocate (OLA). Together these offices make up the County's Indigent Representation function.

The County's Public Defender is appointed by the Board of Supervisors as authorized by Arizona Revised Statutes (ARS) §11.581. The Public Defender must be a licensed attorney 'in good standing' within the state of Arizona to qualify for the position. The PD consists of over 400 employees, including 226 attorneys.

Mission

PD has developed the following Mission Statement: "The Office of the Public Defender protects the fundamental rights of all individuals, by providing effective legal representation for indigent people facing criminal charges, juvenile adjudication, dependency and severance proceedings, and mental health commitments, when appointed by Maricopa County Superior and Justice Courts."

Goals

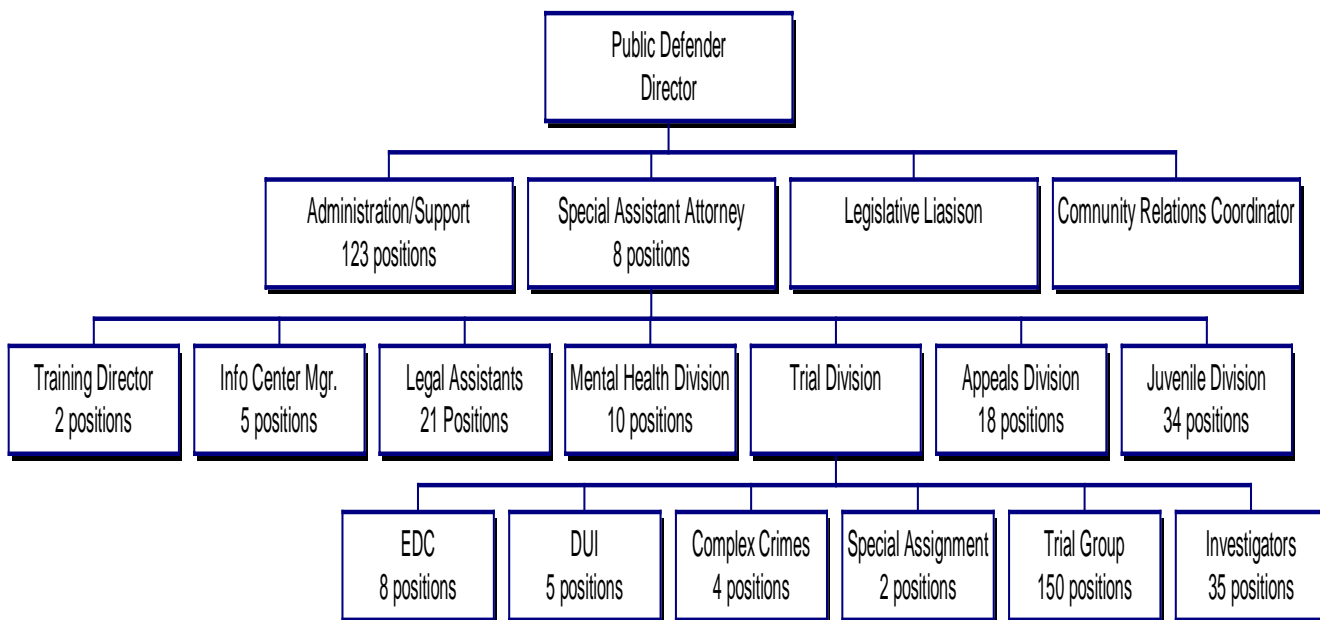
PD has established the following strategic goals:

- To protect the rights of our clients and guarantee that they receive equal protection under the law, regardless of race, creed, national origin or socio-economic status;
- To obtain and promote dispositions that are effective in reducing recidivism, improving clients' well being and enhancing quality of life for all;
- To ensure that all ethical and constitutional responsibilities and mandates are fulfilled;
- To enhance the professionalism and productivity of all staff;
- To produce the most respected and well-trained attorneys in the criminal defense community;
- To work in partnership with other agencies to improve access to justice and develop rational justice system policies;
- To achieve recognition as an effective and dynamic leader among organizations responsible for legal representation of indigent people;
- To perform our obligations in a fiscally responsible manner.

Organizational Structure

The majority of PD staff are licensed attorneys, whose primary function is to provide citizens with quality legal representation. The department's other functions provide support services for the attorneys. The chart on the following page depicts PD's current organizational structure.

Public Defender Organization



Trial Division

The Trial Division is made up of 140 attorneys and handles felonies, misdemeanors, and probation violations for the adult criminal justice system. Felony cases comprise approximately 80 percent of the caseload.

Juvenile Division

The Juvenile Division represents children between the ages of 8 and 18 who have had a petition filed against them as a result of a delinquent act or other offense. The PD litigates the majority of juvenile cases in Maricopa County. If a conflict of interest exists, juvenile cases are typically transferred to OCC.

Appeals Division

The Appeals Division files direct appeals and Post Conviction Relief (PCR) appeals on behalf of the Trial and Juvenile divisions.

Mental Health Division

The Mental Health Division provides legal counsel in civil proceedings involving commitment hearings and judicial reviews. The division represents patients who have been committed for psychiatric evaluation and treatment. The objective in representing clients in these court hearings is to ensure that patients receive a fair hearing, and, ultimately, receive the treatment they need.

Methodology and Scope

The scope of this audit included objectives designed to determine PD's:

- Compliance with laws and regulations
- Effectiveness of program operations
- Validity and reliability of data, and
- Safeguarding of resources.

This audit was performed in accordance with Government Auditing Standards.